

Remarks

The Examiner objected to the drawings as not showing every feature of the invention specified in the claims. Applicants cancelled claims 3 and 4 and added new FIG. 3 to overcome the objections.

The Examiner objected to the disclosure due to informalities. The specification was amended to conform to the Examiner's requirements.

The Examiner has rejected claim 1 under 35 U.S.C. §112 as being indefinite and under 35 U.S.C. §102 as being anticipated by JP405000821A to Ono ("Ono"). The Examiner further rejected claim 1 under 35 U.S.C. §103 as being obvious over Ono. Claim 1 was cancelled and new claim 10 added to overcome the rejection.

Applicant's invention is directed to a method for labeling containers using an identification being applied during elevated temperatures. The method requires the following steps: providing a container for holding a sample to be analyzed; elevating a temperature of the container above a sample analysis temperature; and applying container identification to the container at the elevated temperature.

Ono does not disclose, teach, or suggest elevating a container temperature above a sample analysis temperature nor, at the elevated temperature, applying container identification to the container. In fact, Ono never mentions any temperature for any sample analysis and, therefore, does not disclose elevating a container temperature above, and relative to, the sample analysis temperature. Moreover, Ono does not disclose, teach, or suggest applying bar codes at this elevated temperature.

Applicant respectfully submits that all elements of Applicant's claimed invention are not disclosed, taught, or suggested by Ono. Therefore, the rejection under 35 U.S.C. §102 should be withdrawn.

Applicant respectfully submits that the modifications suggested by the Examiner would not be obvious. Before a reference may be modified in a rejection under 35 U.S.C. §103, some motivation for the artisan to make the modification must be shown. There is no teaching or suggestion in Ono to include the steps of elevating a temperature of the container above a sample analysis temperature or applying container identification to the container at the elevated temperature. Without these requisite teachings or suggestions, Ono does not provide any reason or logic for the modifications suggested by the Examiner. The person of ordinary skill in the art does not have the current application in front of him/her when considering such modifications. Hence, there is no reason why one skilled in the art would modify the prior art to arrive at the claimed invention absent hindsight or having the current application. Therefore, the rejection under 35 U.S.C. §103 should be withdrawn.

Based on the foregoing amendments and remarks, Applicant respectfully submits that all pending claims are allowable.

Respectfully submitted,



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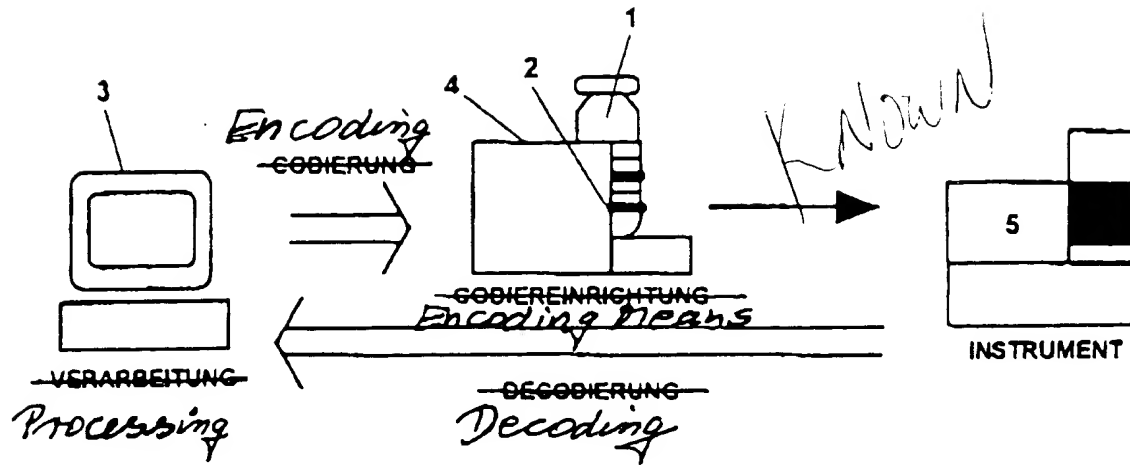


Fig. 1

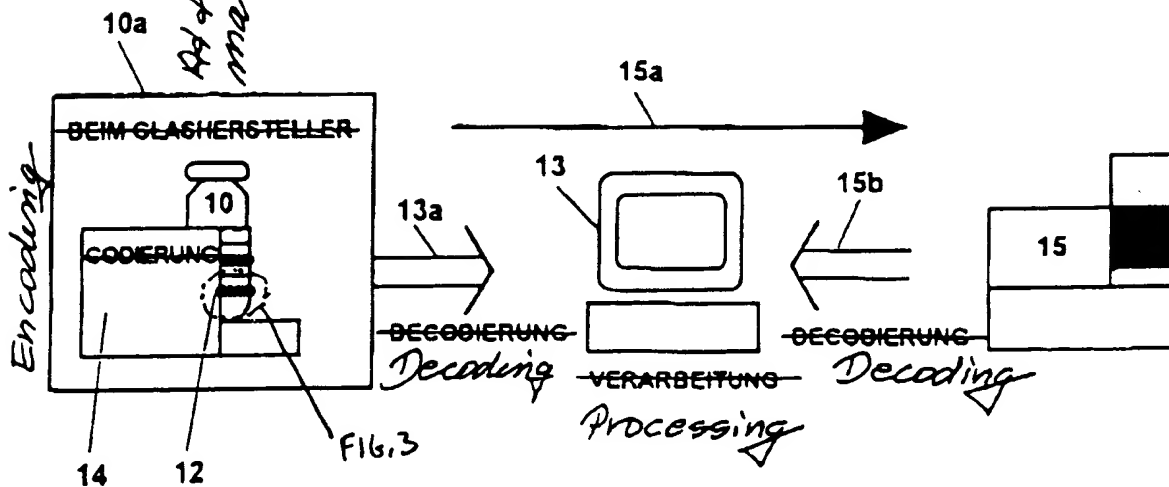


Fig. 2

Drawings approved
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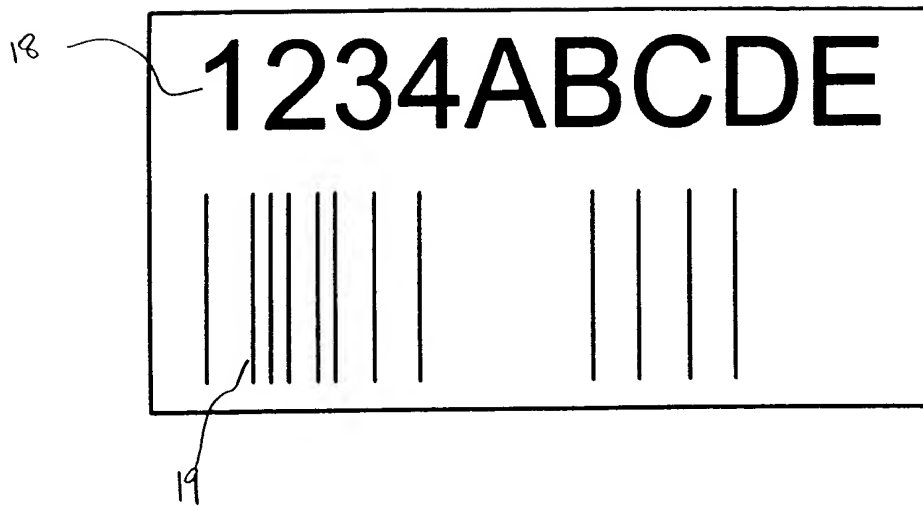


FIG. 3